

WASHINGTON STATE COURT OF APPEALS

DIVISION II

ANNA BELL

Plaintiff-Appellant,

v.

TAMARA POSTHUMA,

Defendant-Respondent

Trial Court Decision 19-2-07626-06

Court of Appeals No. 53815-6-II

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## **Table of Authorities**

### **1. RCW 26.50.010 Definitions:**

“(3) "Domestic violence" means: (b) [...] the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(6) "Family or household members" means: (a) Adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past [...].”

### **2. RCW 26.50.020 Commencement of action—Jurisdiction— Venue:**

“(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself [...].”

**3. RCW 26.50.030 Petition for an order for protection:**

“(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties [...].”

**4. RCW 7.70.160 Frivolous claims:**

“In any action under this section [chapter], an attorney that has drafted [...] an action upon signature and filing, certifies that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is not frivolous, and is well-grounded in fact [...]and that it is not interposed for any improper purpose, such as to harass or to cause frivolous litigation. [...].”

**5. RCW 4.84.185 Prevailing party to receive expenses for opposing frivolous action or defense:**

“[...] The judge shall consider all evidence presented at the time of the motion to determine whether the position of the nonprevailing party was frivolous and advanced without reasonable cause. [...].”

**6. Haines vs Kerner 404 U.S. 519, 520, 1971:**

“Pro se pleadings should be held to less stringent standards than formal pleadings drafted by attorneys.”

WASHINGTON STATE COURT OF APPEALS

DIVISION II

ANNA BELL,	)
Plaintiff,	) No. 53815-6-II
	) Opening Brief
v.	)
	)
TAMARA POSTHUMA,	)
Defendant.	)

Appellant pro se Anna Bell here provides the Brief (CP filed on March 6, 2020) with the requested format corrections to the best of her abilities. Ms. Bell has no legal training or means for a legal counsel.

**A. Assignments of Error**

**Assignments of Error No. 1 Factual error by the Court  
that appellant's petition for protection was previously denied:**

Ms. Bell filed the petition for protection for the first time, RCW 26.50.020 (CP filed on March 6, 2020). The outcome of the July 2 2019 hearing appeared predetermined by Com. Sheinberg before Ms. Bell could state her case. Commissioner appeared irritated with Ms. Bell (07/02/2019 hearing record) mainly due to the "fact" that Ms. Bell's request for protection against the defendant Ms. Posthuma was already denied earlier. There is no record of any previous requests for protective orders directly denied to Ms. Bell prior to July 2 2019 hearing. Therefore, this basis for denial and monetary fine of \$1,500 is unreasonable.

**No. 2 Error in applying to a spouse previously denied protection to another spouse:** Ms. Bell filed the petition for protection on behalf of herself, RCW 26.50.020, (CP filed on March 6, 2020). Com. Sheinberg stated that since the request for

protection was previously denied to Ms. Bell's estranged husband Michael Wade (to him alone) it's therefore applies to Ms. Bell too (07/02/2019 hearing record). Michael Wade was Ms. Bell's estranged husband but Commissioner didn't accept that fact. Ms. Posthuma made verbal death threats to both Ms. Bell and Mr. Wade. Michael Wade passed away in 2020. Therefore, this basis for denial and monetary fine of \$1,500 is unreasonable.

**No. 3 Factual error by the Court that spouses were not estranged as Court insisted:** Commissioner stated that Ms. Bell's estranged husband is not estranged due to the use of same mailbox by Michael Wade and Ms. Bell. Ms. Bell's estranged husband and Ms. Bell have a young child and were in a polite relationship for the benefit of the child. They couldn't afford two separate mailboxes. Commissioner insisted without any facts to support her theory that Ms. Bell and Mr. Wade were not estranged regardless of the fact that they were estranged (07/02/2019 hearing record, CP filed on March 6, 2020). Therefore, this basis for denial and monetary fine of \$1,500 is unreasonable.

**No. 4 Error by the Court not allowing protection to a woman without her spouse present in the process:** Ms. Bell filed the petition for protection on behalf of herself, RCW 26.50.020 (CP filed on March 6, 2020). Commissioner stated that Ms. Bell, a woman, cannot seek protection by herself without her estranged husband (07/02/2019 hearing record). The law allows an individual to apply for protection. Therefore, this basis for denial and monetary fine of \$1,500 is unreasonable.

**No. 5 Error by the Court in unsubstantiated assumption that “Defendant cannot harm you”:** Commissioner didn’t accept the fact of Ms. Posthuma death threats to Ms. Bell, Ms. Posthuma’s extensive history of aggression towards family members and deemed Ms. Bell’s petition as frivolous without any evidence of frivolous action, RCW 7.70.160, RCW 4.84.185, (07/02/2019 hearing record, CP filed on March 6, 2020). Com. Sheinberg made her ruling based on false representation of the facts by Ms. Posthuma’s attorney. Ms. Posthuma didn’t appear at the hearing. Her attorney Shelly Andrew stated that Ms. Posthuma



was severely incapacitated to appear in Court or to hurt anyone due to her recent car accident injuries. Shelly Andrews knew or should've known that it's not true. A licensed private investigator's report ordered by estranged husband Michael Wade showed that defendant used a cane as a pretense when in public and could walk without cane, and smoke and text all at once, all right after "the car accident". The PI report was not allowed in Designation of Clerks to be a part of appeal. However, the report is relevant since Ms. Bell couldn't have prior and ready rebuttal of attorney's statements during the only hearing of July 2 2019. Posthuma's extended family known for years of Ms. Posthuma's pretense with the cane and her extreme aggression. Ms. Posthuma is banned from all family households and families hire armed guards for family gatherings (can provide proof on request). Why would several large military families hire armed guards for protection against Tamara Posthuma? Ms. Posthuma is capable of harming others. Therefore, this basis for denial and monetary fine of \$1,500 is unreasonable.

**No.6 Error by the Court in not accepting or believing the testimony of a death threat:** Ms. Bell petition for protection was honest and truthful. Commissioner didn't accept the fact of Ms. Posthuma death threats to Ms. Bell, Ms. Posthuma's extensive history of aggression towards family members and deemed Ms. Bell's petition as frivolous without any evidence of frivolous action, RCW 7.70.160. RCW 4.84.185. Com. Sheinberg wasn't interested to discuss defendant's violent history; she considered it irrelevant and didn't see Ms. Posthuma's death threats against Ms. Bell as dangerous (07/02/2019 hearing record, CP filed on March 6, 2020). Ms. Bell testified that she received verbal death threats from the Ms. Posthuma. Ms. Bell testified she complained to the Police about death threats and Deputy Sheriff came to her home on this matter. However, Commissioner saw the request for protection as a waste of Court's time and a frivolous petition punishable by a large fine of \$1,500. Earlier the ruling of the very same Court resulted in the deadly shooting of the woman who was denied proper level of the same Court response to protect her:

“Clark Co. Court domestic violence ruling results in deadly shooting, Clark County, Columbian newspaper, Dec 2 2019:

The Clark County Sheriff's Office has identified the suspect of a shooting involving two victims Tuesday at Sarah J. Anderson Elementary School in Hazel Dell as Keland Hill, 38, of Vancouver.

The sheriff's office confirmed that one of his victims died at the hospital due to gunshot wounds. [...] The sheriff's office described the shooting as a tragic escalation of an ongoing domestic violence situation. The victim had written in court documents that she believed Hill would kill her if he wasn't held accountable for his actions.

Clark County Superior Court Judge John Fairgrieve set bail in the stalking case at \$75,000 during a first appearance hearing the next day. [...]arguing that additional information and a “danger assessment” filled out by Hill's wife showed “that the victim is at

extreme risk of being killed by the defendant.” [..] but the cases had been dismissed.”

#### **B. Statement of the Case**

Plaintiff Anna Bell, single mother, received death threats from the defendant Tamara Posthuma, a former sister-in-law, (CP filed on March 6, 2020). Ms. Posthuma has a criminal history which includes several police records and jail time, physical aggression against family members and against police officers over many years (Pierce Co., King Co., Clark Co. case records). Prior to this matter and appeal, Washington State recently issued protective order(s) against Ms. Posthuma. Ms. Bell believes that a death threat from such individual is a serious threat to life and constitutes a domestic violence, “the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.”

Ms. Bell filed for a protective order pro se due to lack of \$4,000 for an attorney (minimum fee) and had a hearing at the Superior Court of Clark Co. on July 2 2019 with Com. Sheinberg.

Ms. Bell's estranged husband Michael Wade also received death threats from Ms. Posthuma (his sister). Michael Wade was the first to seek a protective order against the Ms. Posthuma. Michael Wade, 100% disabled veteran, paid \$4000 to an attorney to file for a protective order. Michael Wade attempted in good faith to add Ms. Bell his estranged wife and Joan Wade their young daughter to his protective order due to lack of additional resources. Ms. Bell here could not/cannot afford/ \$4000 for legal fees. The Court denied adding Ms. Bell or daughter Joan Wade to Michael Wade's protective order. Court denied Michael Wade alone a protection against the Ms. Posthuma on June 11 2019.

Therefore, there was no protection order was ever denied directly to Ms. Bell prior to the one here, in the matter of this appeal. The protective order in this appeal is the first one ever filed by the Ms. Bell and heard by the Court. It was denied.

Ms. Bell pro se was fined \$1500 for asking protection against a violent individual who verbally threatened to kill Ms. Bell and anyone dear to Ms. Bell (young daughter). Ms. Bell has no criminal history, hardworking (farm), has no income, single mother, home schooling the child.

### **C. Summary of Argument**

Ms. Bell didn't have an attorney, Ms. Posthuma had an attorney. Ms. Bell's statements were deemed as non-truth, Ms. Posthuma's statements via an attorney were deemed as truth (07/02/2019 hearing record, CP filed on March 6, 2020.).

### **D. Argument**

Commissioner accepted all Ms. Posthuma's (via attorney) verbal statements as true and Ms. Bell's (pro se, cannot afford attorney) as not true during the short hearing on the matter of the Ms. Posthuma's death threat toward Ms. Bell and her child

(07/02/2019 hearing record, CP the Appellant filed on March 6, 2020). Ms. Posthuma is a violent individual on record and Ms. Bell is a law abiding citizen. Commissioner readily agreed with Ms. Posthuma's attorney request to fine the Ms. Bell \$1,500 just because of Ms. Bell's request for protection due to death threats.

Ms. Posthuma's attorney presented a theory that Ms. Bell simply trying to "slander" the Ms. Posthuma by seeking a protective order, all in relation to another civil case in which Ms. Bell was not a party. There is no other case that involves Ms. Bell as a party where Ms. Posthuma is a party. Ms. Posthuma's violent history doesn't require any additional "slander", it speaks for itself and well into her mature age when a recent protective order was issued against her for her abuse of an elderly parent Joan Posthuma. However, Commissioner accepted Ms. Posthuma's attorney theory as truth and immediately fined Ms. Bell and denied any protective orders.

Ms. Bell asks to remove the \$1500 fine against her as unreasonable, forbidding seeking protection in a face of death

threats and financially forbidding to a single mother with no income. Ms. Bell continues to ask for a protection order.

#### **E. Conclusions**

Ms. Bell was fined \$1500 for asking for protection against a violent individual who has a history of physical assaults and a motif to act on her death threats against Ms. Bell and her child (07/02/2019 hearing record, CP filed on March 6, 2020). Ms. Posthuma earlier requested another Washington State Court that Ms. Bell's properties will be given Ms. Posthuma in the case # 18-4-01409-6 (even though Ms. Bell not a party to case). Ms. Posthuma and her attorneys failed at that and her motive for death threat against plaintiff remains.

Ms. Bell asks to remove the \$1500 fine against her as unreasonable, forbidding seeking protection in a face of death threats and financially forbidding to a single mother with no income. Ms. Bell continues to ask for a protection order.



Ms. Bell asks the Court to hold her pro se pleadings to less stringent standards than formal pleadings drafted by attorneys (Haines vs Kerner 404 U.S. 519, 520, 1971). Ms. Bell resides in a rural area a way from a post office box.

#### **F. Appendix A**

Appendix A, Defendant's history of aggression

<b><i>Case Name</i></b>	<b><i>Case Number</i></b>	<b><i>Court/County</i></b>
Tamara L Posthuma	17 2 02161 3	Superior Court of Clark County
Posthuma	1713901107	Lakewood Police, Pierce
Tamara L Posthuma	10L000077	Lakewood Municipal
Tamara L Posthuma	I05023043	King County District

Respectfully submitted,

December 26 2020

Signature

A handwritten signature in cursive script, appearing to read "Anna Bell".

Pro se Plaintiff Anna Bell

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**CERTIFICATE OF SERVICE**

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I hereby certify that on the date stated below, I served the following documents:

1. Brief

\_\_\_ by e-mailing \_\_\_x\_\_\_ mailing to the following parties

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Dated this December 26 2020



Anna Bell